

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MAIN STREET MERCHANT SERVICES INC.,

Plaintiff,

25 Civ. 02904 (KAM) (ST)

v.

HEYBURN, LLC, LITTLE TACOMA
CONSTRUCTION, LLC, PETER M. PERRIN,
and FRANCIS STREET INVESTORS, LLC,

Defendants.

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[Proposed] SCHEDULING ORDER

Pursuant to Rules 16 and 26 of the Federal Rules of Civil Procedure, **IT IS**
HEREBY ORDERED as follows:

1. Amended Complaint and Initial Disclosures

Plaintiff shall join any additional parties and/or amend the pleadings, if at all, no later than fourteen (14) days after the entry of this Scheduling Order.

All parties shall serve their initial disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure no later than twenty-one (21) days after the entry of this Order.

Within twenty-one (21) days after the entry of this Order, the parties shall advise the Court whether all parties consent to proceed before the assigned Magistrate Judge, without disclosing any individual party's position.

2. Fact Discovery

All fact discovery shall be completed no later than 120 days from the date of this Order.

3. Interrogatories, Document Requests, and Depositions

Interrogatories and document requests shall be served sufficiently in advance of the discovery cutoff to allow for timely responses and in no event more than 60 days from the date of this Order.

Depositions shall be completed within the fact discovery period.

4. Fact Discovery

The parties will conduct discovery in accordance with the Federal Rules of Civil Procedure, the Local Rules of the Eastern District of New York, and Magistrate Judge Steven Tiscione Individual Practices. The interim deadlines in paragraphs 4(b) through 4(e) may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in paragraph 4(a).

- a. All fact discovery must be completed within 120 days of the date of this order.
- b. Initial requests for production of documents must be served within 30 days of the date of this order. Any subsequent requests for production must be served no later than 30 days before the fact discovery deadline.
- c. Interrogatories must be served within 30 days of the date of this order. Any subsequent interrogatories must be served no later than 30 days before the fact discovery deadline.
- d. Non-expert depositions must be completed by March 14, 2026. Agreement between the parties or an order from the Court, non-party depositions must follow initial party depositions.

- e. Requests to admit must be served within 30 days of the date of this order and in any event no later than 30 days before the fact discovery deadline.
- f. All responses to fact discovery shall be served within 30 days of receipt of the demands.

5. Dispositive Motions

Any dispositive motions shall be filed no later than 14 days after the close of all discovery.

Prior to filing any dispositive motion, the parties must comply with Judge Matsumoto's Individual Practices, including the requirement for a pre-motion conference.

6. Settlement Conference

The parties shall advise the Court promptly if they believe a settlement conference would be productive.

7. Discovery Disputes

Discovery disputes shall be raised in accordance with Magistrate Judge Tiscione's Individual Practices.

8. Modification of Schedule

This Scheduling Order may be modified only upon a showing of good cause.

SO ORDERED.

Dated: Brooklyn, New York
January __, 2026

STEVEN L. TISCIONE
United States Magistrate Judge